

**REMARKS****Summary of the Office Action**

Claims 1-3 stand rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite.

Claims 1-3 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Honda et al. (U.S. Patent Pub. No. 2002/0030672) (hereinafter "Honda '672") in view of Honda et al. (U.S. Patent No. 6,950,114) (hereinafter "Honda '114").

Claims 4-6 are allowed.

**Summary of the Response to the Office Action**

Applicants have amended independent claim 1 to differently describe embodiments of the disclosure of the instant application and/or to improve the form of the claims. Accordingly, claims 1-6 remain currently pending and under consideration.

**Rejections under 35 U.S.C. § 112, Second Paragraph**

Claims 1-3 stand rejected under 35 U.S.C. § 112, second paragraph as allegedly being indefinite. Applicants have amended independent claim 1 to differently describe embodiments of the disclosure of the instant application and/or to improve the form of the claims. The claim has been amended in response to the Examiner's comments as provided at sections 2-4 at pages 2-4 of the Office Action. More particularly, the Examiner is thanked for the helpful suggestion as provided at page 3, lines 7-11 of the Office Action to amend claim 1 to recite "adjusting the number of subfields employed for emission at respective brightness levels within each brightness regions is adjusted." The Examiner refers to the last paragraph on page 20 of the specification of

the instant application in this regard. The Examiner goes on to note that this claim amendment “would both overcome the 112 rejection and the prior art rejection.” In response, Applicants have proceeded by amending independent claim 1 along the lines of the Examiner’s suggestions in this regard. However, minor changes to the Examiner’s exact amendment proposal, as quoted above and as suggested at page 3, lines 7-11 of the Office Action, have been implemented in order to address a possible typographical issue or two in the Office Action’s proposed amendment.

In other words, Applicants understood that the Examiner intended to suggest amending independent claim 1 of the instant application to read, at the end of the claim, instead “, wherein the number of subfields employed for emission at respective brightness levels within each brightness region is adjusted.” Accordingly, Applicants have proceeded with this understanding in today’s as-filed Amendment papers. However, to the extent that Applicants’ understanding was incorrect in this regard, clarification is requested to be provided by the Examiner in the next Office Communication.

As the Examiner has indicated at page 3, lines 7-11 of the Office Action that this amendment approach would overcome both “the 112 rejection and the prior art rejection,” Applicants respectfully submit that the claims as newly-amended fully comply with the requirements of 35 U.S.C. § 112, second paragraph. Accordingly, Applicants respectfully request that the rejections under 35 U.S.C. § 112, second paragraph be withdrawn.

#### **Rejections under 35 U.S.C. § 103(a)**

Claims 1-3 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Honda ‘672 in view of Honda’114. Applicants have amended independent claim 1 to differently

describe embodiments of the disclosure of the instant application and/or to improve the form of the claims as discussed above with regard to the rejections under 35 U.S.C. § 112, second paragraph. Once again, as the Examiner has indicated at page 3, lines 7-11 of the Office Action that this amendment approach would overcome both “the 112 rejection and the prior art rejection,” Applicants respectfully submit that the rejections under 35 U.S.C. § 103(a) be withdrawn.

Accordingly, Applicants respectfully assert that the rejections under 35 U.S.C. § 103(a) should be withdrawn because the applied Honda ‘672 and Honda ‘114 references, whether taken separately or combined, do not teach or suggest each feature of newly-amended independent claim 1 of the instant application. As pointed out by MPEP § 2143.03, “[a]ll words in a claim must be considered in judging the patentability of that claim against the prior art.” In re Wilson, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970).” Since the prior art does not disclose or suggest any of the combinations recited in Applicants’ claims, and if anything appears to teach away from the current claim recitations, KSR Int’l Co. v. Teleflex Inc., 127 S.Ct. 1727 (2007), Applicants submit that such recited combinations would not have been obvious in view of the applied references of record, whether taken alone or combined in the manner suggested by the Examiner in the Office Action.

Furthermore, Applicants respectfully assert that the dependent claims 2 and 3 are allowable at least because of their dependence from newly-amended independent claim 1, and the reasons discussed previously.

The Examiner is thanked for the indication that the remaining claims 4-6 are allowed.

**CONCLUSION**

In view of the foregoing amendments and remarks, withdrawal of the rejections and allowance of all pending claims are earnestly solicited. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicants' undersigned representative to expedite prosecution. A favorable action is awaited.

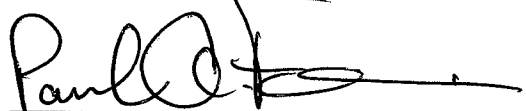
**EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. § 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0573. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

**DRINKER BIDDLE & REATH LLP**

Dated: April 22, 2010

By:



Paul A. Fournier

Reg. No. 41,023

**Customer No. 055694**

**DRINKER BIDDLE & REATH LLP**

1500 K Street, N.W., Suite 1100

Washington, DC 20005-1209

Tel.: (202) 842-8800

Fax: (202) 842-8465